THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.1634 of 2005

Dated 15-11-2005

Between:

M. Ramesh Babu.

..... PETITIONER

AND

The Registrar of Cooperative Societies, Hyderabad,

and four others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.1634 of 2005

O R D E R:

This writ petition is filed seeking to declare the proceedings dated 28-01-2005 issued by the second respondent under Section 32(7)(a) of the Andhra Pradesh Cooperative Societies Act, 1964 (hereinafter referred to as 'the Act') appointing the respondents 3 to 5 as Person-in-charge Committee to manage the affairs of the Central Training Establishment Employees Cooperative Housing Society Limited (hereinafter referred to as 'the Society'), as arbitrary and illegal.

It has been primarily contended by the petitioner that the respondents 3 to 5 are the members of the Managing Committee which has been superceded on account of certain alleged irregularities in conducting the affairs of the Society and therefore, appointing the same persons as Person-in-charge Committee is impermissible and not in accordance with law.

This Court while directing notice to the respondents by order dated 04-02-2005 granted interim suspension of the impugned order dated 28-01-2005. It is not in dispute that by virtue of the interim order, the respondents 3 to 5 are not functioning as Person-in-charge Committee as of today and the affairs of the Society are being managed by the second respondent-Divisional Cooperative Officer himself.

Having heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents 3 to 5 and the learned

Government Pleader for Cooperation appearing for the respondents 1 and 2, and having regard to the fact that the respondents 3 to 5 are the members of the Managing Committee which stood superceded, I am of the view that the second respondent ought not to have appointed the respondents 3 to 5 as Person-in-charge Committee. Accordingly, the impugned order is set aside and the writ petition is disposed of with a direction to the respondents 1 and 2 to conduct elections to the Society as expeditiously as possible following due process of law. Till then, the second respondent shall manage the affairs of the society.

The writ petition is accordingly disposed of. No costs.

(G. ROHINI, J)

Date:15 -11-2005

Note:

Issue CC in one week.

B/o

ghn